

*A Partnership Including  
Professional Corporations*  
600 Thirteenth Street, N.W.  
Washington, D.C. 20005-3096  
202-756-8000  
Facsimile 202-756-8087  
www.mwe.com

**Robert B. Nicholas**  
Attorney at Law  
rnicholas@mwe.com  
202-756-8170

Boston  
Chicago  
London  
Los Angeles  
Miami  
Moscow  
New York  
Orange County  
Silicon Valley  
Vilnius  
Washington, D.C.

**MCDERMOTT, WILL & EMERY**

June 6, 2002

**VIA FEDERAL EXPRESS**

Dockets Management Branch (HFA-305)  
Food and Drug Administration  
5630 Fishers Lane (Room 1061)  
Rockville, Maryland 20852

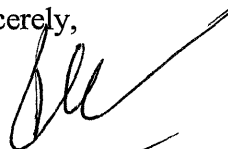
Re: Bayer AG  
FDA Docket: 00N-1571

Dear Sir/Madam:

Enclosed for filing please find an original and two copies of Respondent Bayer Corporation's Motion to Clarify June 4, 2002 Order Regarding Correction of the Record. Please return a file-stamped copy in the enclosed self-addressed stamped envelope.

Please call with any questions.

Sincerely,



Robert B. Nicholas

RBN:jeh  
Enclosures

UNITED STATES OF AMERICA  
BEFORE THE FOOD AND DRUG ADMINISTRATION  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

In the Matter of:

**Enrofloxacin for Poultry:  
Withdrawal of Approval of  
New Animal Drug Application  
NADA 140-828**

**FDA DOCKET: 00N-1571**

**BAYER'S MOTION TO CLARIFY JUNE 4, 2002 ORDER REGARDING  
CORRECTION OF THE RECORD**

On May 20, 2002, CVM filed a Motion for Leave to Correct the Record. This motion sought to redact and/or withdraw various documents that contained confidential information that CVM had placed in the public docket in error. On June 4, 2002, Administrative Law Judge Davidson issued an Order in response to this motion addressing certain documents that will be treated as confidential by the Parties in the above-captioned hearing. Bayer has reviewed the Order and respectfully requests that the Administrative Law Judge clarify a portion of the Order that places documents in the confidential docket.

With respect to documents to be placed in the confidential docket, the Order states that:

**And it is FURTHER ORDERED** that the unredacted version of these documents will be subject to a protective order under the following terms:

1. Unredacted versions of G-341, G-682, G-837, G-872, G-916 and G-937 shall be placed in the confidential docket.
2. Parties and participants shall treat unredacted documents G-682, G-837, G-872, and G-937 as confidential and shall not further disclose them to any other person.

Order at 2.

Bayer seeks to clarify that parties and participants (including attorneys and client personnel) and their witnesses will have access to all documents placed in the confidential docket subject to the restrictions placed in Judge Davidson's Order, and to be used solely for the purpose of the hearing in this matter.

Bayer has consulted with CVM and AHI about this motion. CVM does not oppose this motion. AHI concurs in the motion.

Respectfully submitted,



---

Robert B. Nicholas  
James H. Sneed  
Gregory A. Krauss  
M. Miller Baker  
McDERMOTT, WILL & EMERY  
600 Thirteenth Street, N.W.  
Washington, D.C. 20005  
(202) 756-8000

*Attorneys for Bayer*


**CERTIFICATE OF SERVICE**

I hereby certify that a copy of Bayer's Motion to Clarify June 4, 2002 Order Regarding Correction of the Record, was mailed this 6th day of June, 2002, via first-class mail, postage pre-paid to:

Kent D. McClure  
Animal Health Institute  
1325 G Street, N.W., Suite 700  
Washington, D.C. 20005

I hereby certify that a copy Bayer's Motion to Clarify June 4, 2002 Order Regarding Correction of the Record, was e-mailed and also mailed, postage pre-paid, this 6th day of June, 2002 to:

Nadine R. Steinberg, Esquire  
Food and Drug Administration  
Office of General Counsel (CGF-1)  
5600 Fischers Lane, Room 7-77  
Rockville, MD 20857

  
\_\_\_\_\_  
Robert B. Nicholas

**UNITED STATES OF AMERICA  
BEFORE THE FOOD AND DRUG ADMINISTRATION  
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

In the Matter of:

**Enrofloxacin for Poultry:  
Withdrawal of Approval of  
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**ORDER**

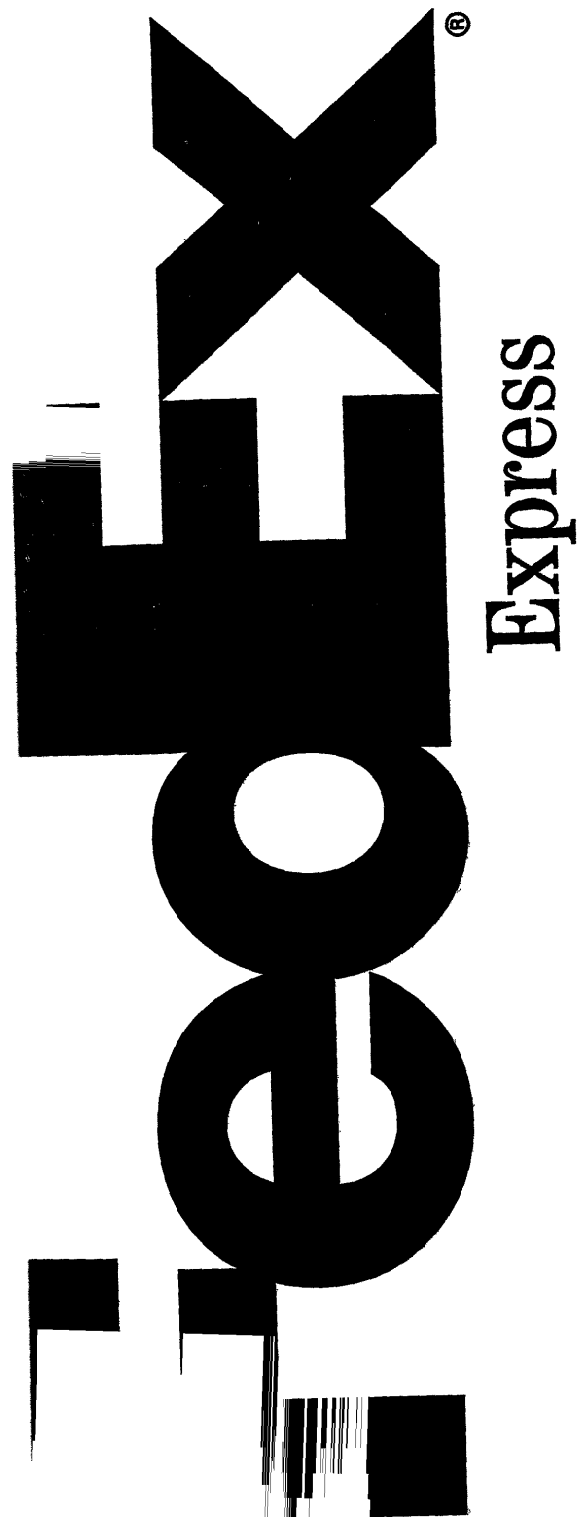
**UPON CONSIDERATION** of Bayer's Motion to Clarify June 4, 2002 Order Regarding Correction of the Record, it is hereby

**ORDERED** that all parties and participants (including attorneys and clients personnel) and witnesses will have access to all documents contained in the confidential docket. However, these individuals shall not further disclose them to any other person, and the use of documents in the confidential docket shall be limited to those related to the hearing in this matter.

DATED this the \_\_\_\_ day of June, 2002.

---

Daniel J. Davidson  
Administrative Law Judge



*On Time*

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